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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/574,637	05/18/2000	John J. Johnson IV	30603UT1002	8108

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EXAMINER

HWU, DAVIS D

ART UNIT

PAPER NUMBER

3752

DATE MAILED: 04/04/2003

22

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/574,637

Applicant(s)

JOHNSON, JOHN J.

Examiner

Davis Hwu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41,43-46,48 and 51-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41,43-45,51-54 and 59 is/are rejected.
- 7) ☒ Claim(s) 46,48 and 55-58 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

Response to Amendment

1. Applicant's amendment and remarks are acknowledged and entered as paper number 21 in the case file wrapper.
2. Applicant's remarks have been considered but are moot in view of the new ground(s) of rejection.
3. Applicant's cancellation of claims 27-40 and 47 is acknowledged.
4. All of the appropriate 35 USC paragraphs can be found in the office action of January 3, 2003 and will not be repeated herein.
5. Claim 59 is dependent on non-elected claim 1 and will not be further considered.

Claim Rejections - 35 USC § 103

6. Claims 41, 43, 51, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pestotnik in view of Carrier.

The patent to Pestotnik discloses a vehicle comprising:

- a triangular wheel base comprising a single front wheel and two opposing rear wheels 30 (Column 5, lines 59-60);
- a driver's seat and a vehicle engine in which the vehicle of Pestotnik can be used as a fire-fighting emergency response vehicle (Column 6, line 67 and Column 7, lines 1-2);
- in which the vehicle comprises a rigid frame for withstanding impacts with obstacles such as branches since the vehicle is to be used to travel through a forest as recited in claim 52

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Pestotnik does not disclose a driver's compartment and a fluid delivery tank. The patent to Carrier teaches an all terrain fire-fighting vehicle comprising a removable fluid delivery tank 14 including a modular auxiliary tank containing foaming agent (Column 4, lines 35-37) as recited in claim 43 and a driver's compartment 82 including a seat in which the compartment protects passengers from potential hazards ((Column 5, lines 1-2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Pestotnik by providing a fluid delivery tank having a modular auxiliary tank and a driver's compartment as taught by Carrier in order to be able to fight fires at remote locations using water and foam and to protect the driver from potential hazards. The tank of Carrier will produce approximately 10,000 gallons of foam which is approximately 26,000 liters. The 34,000 liters of foam as recited in claim 51 would have been an obvious matter of design choice since such a modification involves changing the size of the tank which is generally recognized as being within the level of ordinary skill in the art.

7. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pestotnik in view of Carrier as applied to claim 41 and in further view of Bolton et al. The patents to Pestotnik and Carrier disclose the instant invention except for the at least one window being resistant to fire. The patent to Bolton et al. teaches providing fire resistant windows to vehicles for fire protection. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Pestotnik and Carrier by providing a fire resistant window as taught by Bolton et al. for heat protection.

8. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pestotnik in view of Carrier as applied to claim 41 and in further view of Atkins.

The patents to Pestotnik and Carrier disclose the instant invention except for the chain and sprocket steering mechanism. The patent to Atkins teaches a vehicle having a chain and sprocket steering system. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated into the vehicle of Pestotnik and Carrier a chain and sprocket steering system as taught by Atkins since Atkins teaches that such arrangements are known to one of ordinary skill in the art and the vehicle of Pestotnik and Carrier would function properly with such arrangements.

9. Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pestotnik in view of Carrier as applied to claim 41 and in further view of Star.

The patents to Pestotnik and Carrier disclose the instant invention except for the at least one attachment point as recited. The patent to Star teaches an emergency vehicle having at least one attachment point on the vehicle for airlifting and airdropping the vehicle (Column 3, lines 39-45). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Pestotnik and Carrier by providing at least one attachment point on the vehicle as taught by Star for airlifting and airdropping the vehicle to a specific area to save time.

10. Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pestotnik in view of Carrier as applied to claim 41 and in further view of Willard, Jr.

The patents to Pestotnik and Carrier disclose the instant invention except for the runflat tires. The patent to Willard, Jr. teaches a run-flat tire which demonstrates improved

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vehicle performance under deflated conditions and yet achieves the same vehicle performance as a standard tire when inflated. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Pestotnik and Carrier by using runflat tires as taught by Willard, Jr. in order to provide improved vehicle performance under deflated conditions and achieve the same vehicle performance as a standard tire when inflated.

Allowable Subject Matter

11. Claims 46, 48, and 55-58 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis Hwu whose telephone number is 703-305-1663. The examiner can normally be reached on M-F 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Y. Mar can be reached on (703)308-2087. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9302 for regular communications and (703)872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0861.



Davis Hwu
April 2, 2003